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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 ARTHUR D. HOOVER,

9 Plaintiff(s),

10 v.

11 U.S. COURTS,

12 Defendant(s).
13

2:12-CV-1500 JCM (GWF)

14 **ORDER**

15 Presently before the court is Magistrate Judge Foley's report and recommendation dismissing
16 plaintiff Arthur D. Hoover's complaint without prejudice (doc. # 1-1). (Doc. # 4). No objections to
17 the report and recommendation have been filed.¹

18 This court "may accept, reject, or modify, in whole or in part, the findings or
19 recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to
20 a magistrate judge's report and recommendation, then the court is required to "make a de novo
21 determination of those portions of the [report and recommendation] to which objection is made."
22 28 U.S.C. § 636(b)(1).

23 Where a party fails to object, however, the court is not required to conduct "any review at all
24 . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

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26 ¹ The court notes that plaintiff has filed another motion/application for leave to proceed in
27 forma pauperis (doc. # 5); however, this application is not timely filed pursuant to Magistrate Judge
28 Foley's court order to file a complete application within 30 days of September 9, 2012 (doc. # 2).
Thus, this application is denied as moot.

1 Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate
2 judge's report and recommendation where no objections have been filed. *See United States v.*
3 *Reyna-Tapia*, 328 F.3d 1114 (9th Cir.2003) (disregarding the standard of review employed by the
4 district court when reviewing a report and recommendation to which no objections were made); *see*
5 *also Schmidt v. Johnstone*, 263 F.Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's
6 decision in *Reyna-Tapia* as adopting the view that district courts are not required to review "any
7 issue that is not the subject of an objection."). Thus, if there is no objection to a magistrate judge's
8 recommendation, then this court may accept the recommendation without review. *See e.g.*,
9 *Johnstone*, 263 F.Supp.2d at 1226 (accepting, without review, a magistrate judge's recommendation
10 to which no objection was filed).

11 Nevertheless, this court finds it appropriate to engage in a de novo review to determine
12 whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation
13 and the underlying court order (doc. # 2) and motion (doc. # 1), this court finds good cause to adopt
14 the magistrate's findings in full.

15 Accordingly,

16 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and
17 recommendation of Magistrate Judge Foley dismissing plaintiff Arthur D. Hoover's complaint
18 without prejudice (doc. # 1-1) be, and the same hereby is, ADOPTED in its entirety.

19 IT IS FURTHER ORDERED that plaintiff's complaint (doc. # 1-1) be, and the same hereby
20 is, DISMISSED without prejudice because plaintiff failed to submit a completed application or pay
21 the filing fee as ordered.

22 IT IS FURTHER ORDERED that plaintiff's second motion/application for leave to proceed
23 in forma pauperis (doc. # 5) be, and the same hereby is, DENIED as moot as the motion was not
24 timely filed.

25 DATED November 8, 2012.

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28 **UNITED STATES DISTRICT JUDGE**